IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 2869 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MUNNALAL RAMSEVAK SUTHAR - Applicant(s)

Versus

STATE OF GUJARAT - Respondent(s)

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Appearance :
MR ASHWIN V BHATT for Applicant(s) : 1,
MR. H.M.PRACHHAK, APP for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE A.M.KAPADIA

Date : 14/09/2005

ORAL JUDGMENT

1.By filing instant petition under Section 397 read with Section 401 of the Code of Criminal Procedure, the petitioner seeks to challenge the judgement and order dated 6.7.1995 rendered in Criminal Appeal No. 16 of 1995 by the learned Additional Sessions Judge,

Ahmedabad (Rural), at Ahmedabad, by which the appeal filed by the petitioner came to be dismissed and thereby judgement and order dated 25.4.1995 rendered in Criminal Case No. 583 of 1990 by the learned Chief Judicial Magistrate, Ahmedabad (Rural) convicting the petitioner for commission of the offence punishable under Section 25(1)(A) and sentencing him to suffer RI of 3 years and fine of Rs.200/-, has been affirmed.

2. At the time of hearing of this appeal Mr. A.V.Bhatt, learned advocate of the petitioner states that the petitioner-Munnalal Ramsevak Suthar has died on 25.5.2005. He has also produced the death certificate issued by the Ahmedabad Municipal Corporation, Easnpur Ward. He, therefore, urged to pass appropriate orders as this petition has been abated.

3. Mr. H.M.Prachhak, learned APP for the respondent State has no objection in passing the appropriate orders, in view of the demise of the petitioner.

4. Since the petitioner has died, the appeal stands abated. Rule discharged.

5. Bail bond of the deceased petitioner shall stand canceled and sureties are discharged.

6. The death certificate of the petitioner-Munnalal Ramsevak Suthar, issued by the Ahmedabad Municipal Corporation, Esanpur Ward, shall be retained on record of the case.

(A.M.Kapadia,J)

Jayanti*